

**BEFORE THE ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

**ARKANSAS STATE BOARD OF
LICENSURE FOR PROFESSIONAL
ENGINEERS AND PROFESSIONAL
SURVEYORS**

COMPLAINANT

Case #2013-14

JAMES ALAN FRANCIS

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-reference matter was held before the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors ("the Board") on August 6, 2014 at the office of the Board, 623 Woodlane Drive, Little Rock, Arkansas.

James Alan Francis (AR-PS #1408, hereinafter "Respondent") failed to appear before the Board after service of notice and was not represented. The Board was represented by Assistant Attorney General Brandon Robinson.

On the basis of the testimony and other evidence presented during the hearing, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

F1. At all times relevant to the complaint, the Respondent was a Professional Surveyor licensed by Board, and the Board has jurisdiction over his conduct.

F2. Until December of 2003, the Respondent was employed by CEI Engineering Associates, Inc. (hereinafter "CEI"), an engineering firm located in the State of Arkansas.

F3. In the latter part of 2003, the Respondent used survey crews from CEI to perform land surveying services and lay out large subdivision on property in Missouri.

F4. The Missouri subdivision was not a project of CEI, and CEI received no payment for the land surveying services performed on this job.

F5. Members of the CEI survey crews questioned the work on the Missouri subdivision and brought it to the attention of CEI.

F6. The Respondent's fraud was discovered, and the Respondent was discharged from CEI in December 2003.

F7. At some point in March 2004, the Respondent fraudulently sealed a plat for that subdivision in Missouri, using the Missouri seal and signature of James G. Temple (AR-PS#1-21), who also worked for CEI at the time as a land surveyor.

F8. During the course of the investigation by the Board of this complaint, the Respondent refused to provide information about the complaint that was requested by the Board's investigator.

CONCLUSIONS OF LAW

C1. The conduct of the Respondent, as set forth above in the Findings of Fact, constitutes one count of dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, in violation of Arkansas Code Annotated § 17-48-205.

C2. The conduct of the Respondent, as set forth in the Findings of Fact, constitutes on count of negligence, incompetency or misconduct in the practice of surveying, in violation of Arkansas Code Annotated § 17-48-205(a)(1)(B).

C3. The conduct of the Respondent, as set forth above in the Findings of Fact, constitutes one count of knowingly making false statements or signing false statements, certificates or affidavits to induce payment, in violation of Arkansas Code Annotated §17-48-205(a)(1)(F).

C4. The conduct of the Respondent, as set forth in the Findings of Facts, constitutes on count of accepting payment from more than one party for work on the same project, in violation of Article 22.B.7 of the Rules of the Board.

C5. The conduct of the Respondent, as set forth in the Findings of Fact, constitutes on count of failing to provide information requested by the Board as a result of a formal or informal complaint to the Board, in violation of Arkansas Code Annotated § 17-48-205.

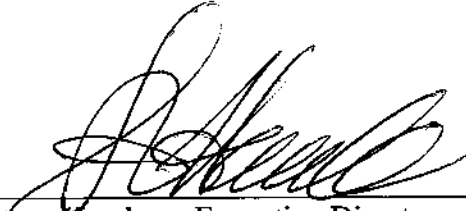
ORDER

O1. The Respondent is hereby ordered to pay a civil penalty of Twenty-five Thousand Dollars (\$25,000.00) to the Board for the violations described in Paragraph C1, C2, C3, C4 and C5 above. The total civil penalty must be received by the Board within fifty (50) days of the service of this Order.

O2. For the violations described in Paragraph C1, C2, C3, C4 and C5 above, the Arkansas Professional Surveyor license of the Respondent is revoked.

These Findings of Fact, Conclusions of Law, and Order constitute the final written decision of the Board in this matter, which may be appealed within thirty (30) days of service, as specified in the Arkansas Administrative Procedures Act, according to provisions of Arkansas Code Annotated § 25-15-201, et al and Arkansas Code Annotated §17-48-101 *et seq*, or the Rules of the Board.

Dated this 9th of August, 2014



Steve Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the attached was sent by U.S. Mail to the following address with proper postage affixed on this 15th day of August, 2014, to:

Mr. James Alan Francis, PS
 Red River Land Surveying
 877 Hwy 254 W
 Tilly, AR 72679-9743

James H. Atchley

James Atchley, Board Investigator
 Arkansas Board of Licensure for Professional
 Engineers and Professional Surveyors

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7002 0510 0001 8880 1467

Postage	\$ 6.88
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.68

Postmark: AUG 15 2014

Sent To: FRANCIS

Street, Apt. No., or PO Box No.
 City, State, ZIP+4

SENDER - COMPLETE THIS SECTION

1. Article Addressed to:
 Mr. James Alan Francis, PS
 Red River Land Surveying
 877 Hwy 254 W
 Tilly, AR 72679-9743

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *James H. Atchley* Agent Addressee

B. Received by (Printed Name): *James H. Atchley* Agent Addressee

C. Date of Delivery: *8-30-14*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Transfer from service label): 7002 0510 0001 8880 1467

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRII-03-P-4081